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571-273-8300

TO: EXAMINER James A. ReaganEXAMINER'S TELEPHONE NUMBER 571-272-6710ART UNIT 3621SERIAL NO. 10/082,856FROM: Edward W. GoodmanREGISTRATION NO. 28,613

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Edward W. Goodman

APR 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

JOHAN P.M.G. LINNARTZ ET AL.

PHNL 000584

Serial No.: 10/082,856

Group Art Unit: 3621

Filed: October 19, 2001

Examiner: J.A. Reagan

Title: METHOD AND ARRANGEMENT FOR ENABLING DISINTERMEDIATION, AND
RECEIVER FOR USE THEREBYCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Enclosed is an original copy of an Appeal Brief in the
above-identified patent application.

Please charge the fee of \$500.00 to Deposit Account

No. 14-1270.

Respectfully submitted,

By 
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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METHOD AND ARRANGEMENT FOR ENABLING DISINTERMEDIATION, AND RECEIVER
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Sir:

APPEAL BRIEF

This is an appeal from the Examiner of Group 3621 finally
rejecting claims 1-10 in this application.

(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE
PHILIPS ELECTRONICS N.V. by virtue of an assignment from the
inventors recorded on June 11, 2002, at Reel 012985, Frame 0253.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to
this application.

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(iii) Status of Claims

Claims 1-10 stand finally rejected by the Examiner.

(iv) Status of Amendments

There was one (1) Response filed on February 15, 2006, after final rejection by the Examiner on October 24, 2005, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to a method and an arrangement for effecting "disintermediation" in a business model, i.e., eliminating the middleman such that a content owner may directly provide his/her services to a consumer.

As an example, consider a movie producer who wishes to promote a movie. To this end, he produces a trailer, which the producer provides to a distributor to be transmitted to consumers. Normally, a consumer who views the trailer and decides he wants to go see the movie then needs to access some information service to find out which cinemas show the movie and at which times. The distributor of the trailer may provide this information to the consumer, for instance, as a Teletext page listing all available movies and starting times, or as a mention in a local television show or advertisement. However, the distributor will most likely charge a

fee either to the producer or to the consumer for making this information available using his Teletext channel.

In order to effect the above object, the subject invention, as claimed in claims 1 and 7, includes "electronically embedding extra information related to the business model in content". This is shown in Fig. 1 and described in the Substitute Specification page 7, line 2 to page 8, line 19 (paragraphs [0026]-[0031]), in which content 116 is embedded with a watermark by the watermarking device 110, the watermark containing extra information in accordance with the business model. The claimed invention further includes "distributing the content with the embedded information via a third party to a rendering device" and "electronically rendering the content with the embedded information thereby forming an output signal". This is shown in Fig. 1 and described in the Substitute Specification on page 8, lines 19-22 (paragraph [0031]) in which the signal from the watermarking device 110 is provided to rendering device 115, shown as a loudspeaker, for generating an output signal 120. Further, the invention includes "receiving the output signal" and "electronically extracting the embedded information from the received output signal". This is shown in Fig. 1 and described in the Substitute Specification on page 8, line 23 to page 9, line 12 (paragraphs [0032]-[0034]), in which a receiving module 131 of a receiving device 130 receiving the output signal 120 while a decoding module 132 processes the received output

signal to obtain the extra information. Finally, the invention includes "processing the extracted embedded information in the course of the business model". This is shown in Fig. 1 and described in the Substitute Specification on page 9, lines 13-20, in which the executing module 133 of the receiving device 130 executes some action based on the extra information. A more detailed description of a possible business model is described in the Substitute Specification on page 11, line 19 to page 14, line 4 (paragraphs [0042]-[0049]).

(vi) Grounds of Rejection to be Reviewed on Appeal

Whether the invention, as claimed in claims 1-10, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent Application Publication No. 2001/0008557 A1 to Stefik et al. in view of Applicants' own admissions.

(vii) Arguments

The Stefik et al. reference discloses a system for controlling the distribution and use of rendered digital works through watermarking, in which a digital work is encoded and transmitted to a rendering repository. The rendering repository decodes the digital work, gathers data for and creates a digital watermark, and renders the digital work including the watermark (page 4, paragraph [0060]).

The Examiner states "Applicant, however, in paragraphs 0008 to 0011 discloses that watermarks are a well known technique, and then goes on to describe uses of the technique to include an audio-based signal from a mobile phone."

In Appellants' specification, Appellants conceded, in paragraph [0008], the existence of watermarks and their use in marking or protecting input signals, e.g., a movie can be watermarked so that its origin can be identified, or unauthorized copies can be distinguished from the original. To this end, it is known to extract and identify the watermark.

Paragraphs [0009] and [0010], however, present a summarization of new uses of watermarks, these new uses being the subject matter of the subject invention. These uses, as covered by the subject invention, are more particularly described in paragraphs [0011] - [0014].

As indicated above, Stefik et al. describes a system for receiving a digital work, gathering data for and creating a watermark, and rendering the digital work inclusive of the watermark. Appellants submit that Stefik et al. neither discloses nor suggests that the watermark included in the rendering of the digital work may be extracted and subsequently used for purposes other than the mere authentication of the digital work.

The method of the subject invention, as claimed in claim 1, includes "receiving the output signal", the output signal being the

rendered content (e.g., digital work) with the embedded information (e.g., watermark), "electronically extracting the embedded information from the received output signal" and "processing the extracted embedded information in the course of the business model". To this end, using the example of a mobile phone, the mobile phone, using the microphone portion thereof, may receive the output signal (e.g., a watermarked audio signal being reproduced by a loudspeaker), circuitry in the mobile phone may then extract the embedded information, and, depending on the business model, the user of the mobile phone may use the mobile phone to contact e-commerce servers using the extracted embedded information, "which makes it easy to integrate it in a value chain or to provide interactive services using the embedded extra information as a starting point" (Substitute Specification, pages 4-5, paragraph [0014]).

Appellants submit that in the prior art uses of watermarking, the content being watermarked is of primary interest, that is, watermarking is used in order to protect the content such that legitimate copies of the content may be distinguished from unauthorized copies of the content. In contradistinction therewith, in the subject invention, the content itself is of only ancillary interest, it being the extra information embedded in the content via watermarking that is of primary interest.

Based on the above arguments, Appellants believe that the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by 
Edward W. Goodman, Reg. 28,613
Attorney

(viii) Claims AppendixCLAIMS ON APPEAL

1. (Previously Presented) A method of enabling disintermediation in a business model, said method comprising the steps of:

electronically embedding extra information related to the business model in content;

5 distributing the content with the embedded information via a third party to a rendering device;

electronically rendering the content with the embedded information thereby forming an output signal;

receiving the output signal;

10 electronically extracting the embedded information from the received output signal; and

processing the extracted embedded information in the course of the business model.

2. (Previously Presented) The method as claimed in claim 1, wherein the extra information is related to an e-commerce application.

3. (Previously Presented) The method as claimed in claim 2, wherein said receiving step uses a receiver arranged for participating in the e-commerce application.

4. (Previously Presented) The method as claimed in claim 1, wherein said embedding step comprises embedding the extra information in the content using a watermark.

5. (Previously Presented) The method as claimed in claim 1, wherein the output signal is in the acoustical domain.

6. (Previously Presented) The method as claimed in claim 1, wherein said receiving step is performed by a mobile phone.

7. (Previously Presented) An arrangement for enabling disintermediation in a business model, said arrangement comprising:

a content source for providing content;

means for electronically embedding extra information

5 related to the business model in said content;

a distributor for distributing the content with the embedded information;

a rendering device for picking up the content with the embedded information and for electronically rendering an output
10 signal corresponding to said content with the embedded information;

a receiver for receiving said output signal, and for electronically extracting and processing the embedded information in the course of the business model.

8. (Previously Presented) A receiver for use in the arrangement of claim 7, said receiver comprising:

receiving means for receiving a signal having embedded extra information related to a business model;

5 decoding means for electronically extracting the embedded extra information from the signal; and

processing means for electronically processing the embedded information in the course of the business model.

9. (Previously Presented) The receiver as claimed in claim 8, wherein said receiver further comprises:

means for transmitting at least a portion of the signal to a supporting server; and

5 means for receiving from the supporting server the extra information that was embedded in the portion of the signal.

10. (Previously Presented) A computer program product comprising instructions for a processor, wherein said processor, when executing said instruction, is capable of receiving a signal comprising extra information related to a business model,

- 5 extracting the extra information from the signal, and processing the embedded information in the course of the business model.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.